

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

McKesson Corp., a Delaware Corp.,
Plaintiff,

No. C-07-5715 WDB

v.

**ORDER RE SEPTEMBER 17, 2008,
CASE MANAGEMENT
CONFERENCE**

Familymeds Group, Inc., f/k/a
Drugmax, Inc., a Connecticut
corporation,

Defendants.

Familymeds Group, Inc., f/k/a
Drugmax, Inc., a Connecticut
corporation,

Counterclaimant

v.

McKesson Corp., a Delaware
corporation,

Counterdefendant.

and related case

No. C-08-2850 WDB

Familymeds, Inc., a Connecticut
corporation, et al

Plaintiffs

v.

McKesson Corp., a Delaware
corporation, and D&K Healthcare
Resources LLC

Defendants.

1 On September 17, 2008, the Court conducted a case management conference
2 in the above-captioned actions. For the reasons stated on the record, the Court
3 ORDERS as follows.

4 1. Familymeds Group, Inc. and Familymeds, Inc., (collectively referred
5 to herein as "Familymeds") and their counsel are to work as diligently as their
6 circumstances permit to respond to McKesson's most recent settlement demand.

7 2. **By October 17, 2008**, if Familymeds can do so consistent with
8 Federal Rule of Civil Procedure 11, it must file with the Court and serve on
9 McKesson and D&K Healthcare Familymeds' Motion for Leave to Amend the
10 Complaint(s).

11 3. Absent a stipulation to the contrary, all briefs relating to the pending
12 Motion to Dismiss and the forthcoming Motion for Leave to Amend the
13 Complaint(s) **MUST BE FILED** in accordance with the time frames set forth in the
14 Local Rules for the Northern District of California.

15 4. **On Wednesday, October 29, 2008, at 3:00 p.m.**, the Court will
16 conduct a follow up case management conference in connection with both of the
17 above captioned actions unless, before that date, the parties have notified the Court
18 that they have settled all matters.

19 **On Wednesday, October 29, 2008, at 3:00 p.m.**, absent written notice from
20 McKesson and D&K Healthcare withdrawing their Motion to Dismiss, the Court
21 will conduct a hearing in connection with the pending Motion to Dismiss as
22 previously scheduled.

23 IT IS SO ORDERED.

24 Dated: September 17, 2008

25 
26 WAYNE D. BRAZIE
United States Magistrate Judge

27 Copies to: parties, wdb, stats